REMARKS

This is in full and timely response to the Final Office Action dated June 21, 2005. Reconsideration of the double patenting rejection is respectfully requested.

This request should be entered in that it prima facie places this application in condition for allowance based on a change of status of one of the applications relied on and otherwise disputes certain findings of fact made in connection with the rejection of the claims. Accordingly, claims 1 to 18 are presently pending in the application, each of which is believed to be in condition for allowance. Reexamination and reconsideration in light of the present Amendment and the following remarks are respectfully requested.

Claim Rejections- Alleged Double Patenting

The '351 Application

In the Action, claims 1-18 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-13 of co-pending Application No. 10/827,351 ("the '351 Application"). This rejection is respectfully traversed. The '351 application was allowed on June 15, 2005 and its issue fee paid on July 15, 2005. The Office had withdrawn a double patenting rejection based on the same two pending applications cited in the double patenting rejection in this application. Accordingly, at the very least, consistency suggests that this double patenting rejection also be withdrawn.

Moreoever, withdrawal of the doubling patent rejection in the '351 application was based on substantially the same argument as in this application. As a result, the two way readability requirement of the similarity of the claims cannot thus be met, as already held by the Office in the '351 case. In the reasons for allowance in the '351 application, the examiner found that the argument in traversing the double patent Action was moot, and the examiner agreed to withdrawn the double patenting rejection of claims 1 to 13 over the claims of this application and the '573 application.

To reiterate those persuasive arguments for the record in this application, as stated in M.P.E.P § 804(II)(B)(1), "[a] double patenting rejection of the obviousness-type is 'analogous to

the nonobviousness requirement of 35 U.S.C. § 103.'" (quoting *In re Braithwaithe*, 379 F.2d 594, 154 USPQ 29 (CCPA 1967)). However, in order to establish a double patenting rejection of the obviousness-type, all claim limitations must be recited within the **claims** of the cited patent. *Id.* The **disclosure** of the cited patent, however, may not be used in establishing obviousness-type double patenting. *Id.*

In the present case, the patentable line of demarcation between the claims of the present application and that of the '351 Application has been clearly drawn. For example, independent claim 1 of the present application recites "a semiconductor memory apparatus ... wherein ... said redundant lines are shared by said unit blocks pertaining to said **one-dimensional group**", whereas the '351 Application recites "a semiconductor memory apparatus ... wherein ... said redundant lines are shared by said unit blocks pertaining to said **two-dimensional group**". In addition, independent claim 15 of the present invention recites "A self-repair method ... wherein ... said unit blocks are further laid out to form a block matrix or a plurality of block matrixes, and every plurality of said unit blocks forms a **one-dimensional** group oriented in a first direction (row or column direction) or a second direction (column or row direction)", whereas each of the claims directed to a self-repair method in the '351 Application recite a "**two-dimensional group**". Moreover, independent claim 17 of the present application recites a self-repair method comprising **four** processes, whereas the self-repair method claimed in the '351 Application merely recites **two** confirmation processes.

Thus, as has been clearly demonstrated above, the claims of the present invention (and in particular each independent claim of the present application) have a number of clearly patentable differences from claims 1-13 of the '351 Application. Accordingly, withdrawal of this rejection is courteously solicited.

Moreover, the rejection as stated by the examiner is flawed in that it fails to set forth the limitations of the respective applications on a side-by-side basis, a so-called mapping of the claim recitations. See the text in section 2 on page 2 of the Final Action.

Withdrawal of the rejection based on the '351 application is in order.

The '573 Application

Claims 1-18 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-24 of co-pending Application No. 10/774,573 ("the '573 Application"). This rejection is respectfully traversed for substantially the same reasons set forth about in law and fact. The '573 application has not been acted upon, so that the prosecution of this application leads the prosecution of that application with the result that this case should be allowed.

As with the '351 Application, the patentable line of demarcation between the claims of the present application and that of the '573 Application has been clearly drawn. For example, independent claim 1 of the present application recites "a semiconductor memory apparatus ... wherein ... said redundant lines are shared by said unit blocks pertaining to said **one-dimensional group**", whereas the '351 Application recites "a semiconductor memory apparatus ... wherein ... said redundant lines are shared by said unit blocks pertaining to said **two-dimensional group**". In addition, independent claim 15 of the present invention recites "A self-repair method ... wherein ... said unit blocks are further laid out to form a block matrix or a plurality of block matrixes, and every plurality of said unit blocks forms a **one-dimensional** group oriented in a first direction (row or column direction) or a second direction (column or row direction)", whereas claims 17 and 20 of the '573 Application directed to a repair search method fail to recite this limitation. Moreover, independent claim 17 of the present application recites a self-repair method comprising **four** processes, whereas claims 17 and 20 of the '573 Application fail to recite each and every one of these four processes.

Thus, as has been clearly demonstrated above, the claims of the present invention (and in particular each independent claim of the present application) have a number of clearly patentable differences from claims 1-24 of the '573 Application. Accordingly, withdrawal of this rejection is courteously solicited.

As above, the statement of the rejection is flawed in that a side-by-side comparison of the claims of the '573 application and this application has not been made. See section 3 on pages 2 and 3 of the Final Action.

Withdrawal of the double patenting rejection is thus in order.

Terminal Disclaimer

Applicant submits that the claims of the present application are clearly patentably distinguishable from those of the '351 Application and the '573 Application.

Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2998, from which the undersigned is authorized to draw.

Dated: August 19, 2005

Respectfully submitted,

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